

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

RUSSELL LEE EBERSOLE,)	
)	
Movant, ¹)	
)	1:03cr112
v.)	
)	1:06cv869
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED that Russell Lee Ebersole's revised Motion to Vacate, Set Aside, or Correct Sentence (docket #207) be and is DISMISSED WITH PREJUDICE; and it is further

ORDERED that Ebersole's Motion for Discovery (docket #198) and Motion for Interrogatories [sic] and Production of Documents (docket #218) be and are DENIED.

The movant has a right to appeal this decision. To do so, he must file a written Notice of Appeal with the Clerk of this court within sixty (60) days of receipt of this Order. Failure to file a timely Notice of Appeal waives the right to appeal. He must also request and obtain a certificate of appealability from a circuit justice or judge. See 28 U.S.C. § 2253(c)(1)(B); Fed. R. App. P. 22(b). This Court expressly declines to issue such a certificate for the reasons stated in the accompanying Memorandum

¹ A federal prisoner who files for relief under 28 U.S.C. § 2255 is a movant, not a petitioner. Accordingly, the caption of this civil action has been corrected.

Opinion.

The Clerk is directed to forward copies of this Order to counsel of record and movant, pro se.

Entered this 6th day of March, 2007.

/s/
Leonie M. Brinkema
United States District Judge

Alexandria, Virginia